

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 5, 2001

IN RE:

GENERIC DOCKET TO ESTABLISH UNE PRICES  
FOR LINE SHARING PER FCC 99-355, AND RISER  
CABLE AND TERMINATING WIRE AS ORDERED  
IN TRA DOCKET 98-00123

DOCKET NO.  
00-00544

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ORDER CLARIFYING NOVEMBER 7, 2000  
*ORDER ADOPTING INTERIM RATES*

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This matter came before the Directors during the hearing in this docket on November 30, 2000 upon the Data Coalition's<sup>1</sup> Request for Clarification of *Order Adopting Interim Rates*.

On November 13, 2000, the Data Coalition filed a letter requesting that the Authority clarify the November 7, 2000 *Order Adopting Interim Rates* and hold that, in the interim, Competing Local Exchange Carriers ("CLECs") "may purchase the [Unbundled Copper Loop ("UCL")] at the 2-wire analog voice grade, SL1, rate."<sup>2</sup> On November 17, 2000, BellSouth Telecommunications, Inc. ("BellSouth") responded to the Data Coalition's request for clarification arguing that no clarification is needed because the Authority adopted interim rates for UCLs in the November 7, 2000 Order and because the Data Coalition is seeking UCL services at SL1 rates for situations not involving line sharing.

The Data Coalition argues that the November 7 *Order* stands for the proposition that, "on an interim basis at least, competitive carriers should pay the service level 1 ("SL1") voice grade

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<sup>1</sup> The Data Coalition includes BlueStar Networks, Inc., DIECA Communications, Inc. d/b/a Covad Communications Company, Broadslate Networks of Tennessee, Inc. and Mpower Communications Corporation.

<sup>2</sup> Letter Regarding Clarification of Order Adopting Interim Rates, p. 2 (filed November 13, 2000). Although the parties use the term "UCL" in their letters, it does not appear that they agree on a definition of this term.

loop rate for copper loops they order, irrespective of whether those loops are used for voice, voice and data, or data alone.”<sup>3</sup> In fact, our *Order* states that the interim SL1 recurring and non-recurring rates apply only “when a CLEC provides both analog voice service and [Digital Subscriber Line (“xDSL”)] service or when a CLEC wishes to continue providing xDSL services to a customer who terminates its ILEC provided voice service.”<sup>4</sup> The Data Coalition essentially asks that we clarify the *Order* so as to extend the applicability of interim SL1 rates to two additional scenarios contemplated by the Data Coalition: (1) providing voice service alone and (2) providing xDSL alone. The request as stated, however, refers to “competitors order[ing] the UCL product from BellSouth” and paying the 2-wire analog voice grade, SL1, loop recurring and nonrecurring rates.<sup>5</sup>

Based on the request, the response thereto, and the record prior to the hearing, the Directors find that they do not have sufficient information at this time to distinguish among BellSouth’s numerous loop offerings for xDSL services,<sup>6</sup> including BellSouth’s UCL offering. For this reason, the Authority has not, and does not here, adopt any interim rates specifically for BellSouth’s UCL offering. Nevertheless, we find that for all loops offered by BellSouth to provide xDSL services, regardless of the BellSouth product title, the interim SL1 loop recurring and nonrecurring rates included in the November 7, 2000 *Order Adopting Interim Rates* shall apply.<sup>7</sup> Should a CLEC desire loop makeup information and line conditioning, the interim rates for these elements included in the November 7, 2000 *Order Adopting Interim Rates* shall also

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<sup>3</sup> Request for Clarification, p. 1.

<sup>4</sup> *Order Adopting Interim Rates*, p. 6.

<sup>5</sup> Request for Clarification, p. 1.

<sup>6</sup> BellSouth’s unbundled network elements (“UNEs”) for conditioned xDSL loops include, but are not limited to, the UCL, ADSL, and HDSL loops.

<sup>7</sup> This does not include situations where a CLEC adds xDSL to a line over which BellSouth provides voice service. Per the *Order Adopting Interim Rates*, “BellSouth shall charge \$0.00 in recurring and nonrecurring charges for sharing a local loop over which BellSouth provides analog voice service and a CLEC provides xDSL service.” *Order Adopting Interim Rates*, p. 6.

apply. Further, as for other interim rates adopted in this docket, these rates shall be subject to true-up as agreed to by the parties once permanent rates are established.

**IT IS THEREFORE ORDERED THAT:**

1. The Authority has not, and does not here, adopt any interim rates specifically for BellSouth's UCL offering.

2. For all loops offered by BellSouth to provide xDSL services, regardless of the BellSouth product title, the interim SL1 loop recurring and nonrecurring rates included in the November 7, 2000 *Order Adopting Interim Rates* shall apply. Should a CLEC desire loop makeup information and line conditioning, the interim rates for these elements included in the November 7, 2000 *Order Adopting Interim Rates* shall also apply.

3. The adopted rates shall be subject to a true-up as agreed to by the parties once permanent rates are established by the Authority.

  
Sara Kyle, Chairman

  
H. Lynn Greer, Jr., Director

  
Melvin J. Malone, Director

ATTEST:

  
K. David Waddell, Executive Secretary